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CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

Original Application No. 81/2004
Date of Decision : this is the 3rd August, 2004

Hon'ble Mr. G.R.Patwardhan, Administrative Member

Smt. Sundari Wife of Shri Ramdeo,
Aged 54 years, Sweeper, Station Headquarters,
Resident of Shiv Bari Harijan Basti, Bikaner.
[By Advocate Mr. Vijay Mehta, for applicant]

.....Applicant.

versus

1. Union of India through the Secretary,
Government of India, Ministry of Defence,
Raksha Bhawan, New Delhi.
2. Administration Commandant,
Station Headquarters, Bikaner.
3. Controller of Defence Accounts,
Allahabad.

.....Respondents.

[By Advocate Mr. B.R.Mehta, for the respondents]

ORDER

[BY THE COURT]



O.A. No. 81/2004 has been preferred by Smt. Sundari W/o Shri Ram Deo, Sweeper, Station Headquarters, Bikaner, against the Union of India through the Secretary, Ministry of Defence, Administration Commandant, Station Headquarters, Bikaner and Controller of Defence Accounts, Allahabad. There is no specific order against which the application has been made except that the applicant was reportedly informed by the respondent No. 2 that she was going to be retired on 30.4.2004 on completion of 60 years of age. The applicant claims to be only 54 years and so has come up with a prayer that the respondents may be

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restrained from retiring her on 30.4.2004 or any other date prior to the year 2010.

2. The case was taken up earlier on 27.4.2004 when the learned counsel for the respondents submitted that the applicant was not being retired on 30.4.2004 as apprehended by her and a detailed reply would follow. Time was therefore allowed for filing the reply.

3. Detailed reply has been filed under the signatures of Lt. Col. S.K. Sharma of Station Headquarter, Bikaner. There are two annexures; one giving the bio-data of applicant Sundari and another of one Shri Ghanshyam, perhaps her son. This seems to be taken from official records. Contrary to prevailing practice, the date of birth of Smt. Sundari as written in words is "Twenty Four Four Fourty Six". This is not the usual way of expressing dates in words. Usually, this would appear as Twenty Fourth April, Nineteen Forty Six. Even over-writing in the letters and figures is very apparent.

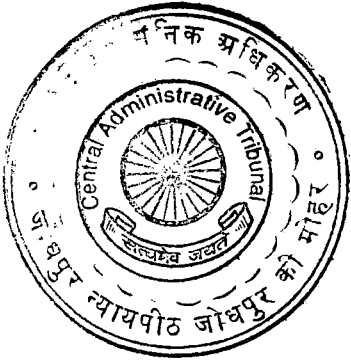


4. Not only that a photo copy of the Identity Card of Smt. Sundari bearing No. RJ/02/014/1092156 issued on 31.3.1995 by the Electoral Registration Officer of 14-Kolayat A.C. Constituency indicates age of Smt. Sundari on 1.1.1995 as 45 years leading to an inference that she was born some time in 1950. If that be so, even the date entered in the service records of respondents is

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wrong and Shri Ghanshyam, her son was born when she was only twelve years old.

5. Shri Ghanshyam, who is alleged to be the son of Smt. Sundari, was born on 5.10.1962 (this date of birth is not written in words, as has been noticed in case of Smt. Sundari). If the dates of birth of the mother and son are correct then Ghanshyam was born when her mother was only 12 years old. It is doubtful if under the provisions of Hindu Marriage Act, the marriage was permissible.



6. It is difficult therefore to rely on the contents of the reply.

7. Considering that the learned counsel for the respondents has submitted, albeit on the basis of instructions that he has received, that the applicant is not being retired, as alleged, the application is pre mature and is, therefore, dismissed. No order as to costs.


[G.R.Patwardhan]
Administrative Member

jrm

Recd
[Signature]

7.8.11

Received by
[Signature]
11/8/11

For II and III destroyed
in my presence on 25/10/2013
under the supervision of
[Signature]
18/10/2013
[Signature]
[Signature] (Record) 25.10.2013